

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA

v.

James Marcus George Jr.  
Defendant

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)  
) Criminal Case No. 0419 2:11CR00038-  
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)

**AGREED ORDER AND JUDGMENT  
TO REVOKE SUPERVISED RELEASE**

Upon petition of the U.S. Probation Office, joined herein by the United States and the defendant, to revoke the supervised release of defendant James Marcus George Jr. and for good cause shown therein, and also based on agreement of the parties as set forth herein:

**AGREEMENT OF UNITED STATES AND DEFENDANT**

The defendant agrees and stipulates that he has violated the terms and conditions of supervised release in the following respects:

**DRUG/ALCOHOL USE (Date violation concluded: 8/5/2020).** The defendant has violated the condition of supervision that states, "The defendant shall refrain from excessive use of alcohol and shall not unlawfully purchase, possess, use, distribute or administer any narcotic or controlled substance or any psychoactive substances (including, but not limited to, synthetic marijuana, bath salts) that impair a person's physical or mental functioning, whether or not intended for human consumption, or any paraphernalia related to such substances, except as duly prescribed by a licensed medical practitioner," in that,

The defendant provided a urine sample on 7/29/2019 that tested positive for amphetamines. The defendant admitted verbally and in writing that he used methamphetamine on 7/27/2019. (Grade C)

The defendant provided a urine sample on 10/17/2019 that tested positive for amphetamines. The sample was confirmed positive for methamphetamine by Alere, the national testing laboratory. The defendant subsequently admitted verbally to using methamphetamine on 10/15/2019. (Grade C)

The defendant provided a urine sample on 11/24/2019 that tested positive for amphetamines. The defendant subsequently admitted verbally and in writing that he used methamphetamine on 11/22/2019. (Grade C)

The defendant provided a urine sample on 1/2/2020 that tested positive for amphetamines. The defendant subsequently admitted verbally and in writing that he used methamphetamine on 1/1/2020. (Grade C)

The defendant provided a urine sample on 8/5/2020 that tested positive for amphetamines. The defendant admitted verbally and in writing that he used methamphetamine on 8/4/2020. (Grade C)

The parties stipulate, pursuant to Chapter 7 Policy Statements, U.S. Sentencing Guidelines, that the defendant's violations are a maximum Grade C and that the defendant has a Criminal History Category of II.

The parties stipulate, based on U.S.S.G. §7B1.4, that the Guidelines range of imprisonment for a Grade C violation and a Criminal History Category of II is a term of imprisonment from 4 to 10 months.

The parties agree, pursuant to Rules 11(c)(1)(C) and 32.1, Federal Rules of Criminal Procedure, that the Court should revoke supervised release and order the defendant to be imprisoned for a period of 6 months. If the Court rejects this sentencing agreement, the defendant has the right to withdraw from this Agreed Order and have an evidentiary hearing on the petition for revocation of supervised release.

#### **DEFENDANT'S ACKNOWLEDGMENT AND WAIVER**

The defendant acknowledges that he is admitting the violations of supervised release because he did, in fact, violate the conditions of supervised release set forth above.

The defendant acknowledges that he has had an opportunity 1) to review the written notice of the alleged violations of supervised release and 2) to review the evidence against him related to those alleged violations.

The defendant further acknowledges that he is aware of the following rights and is knowingly waiving these rights in exchange for the agreed sentence:

- 1) The opportunity to appear personally, present evidence, and question adverse witnesses at a revocation hearing; and
- 2) The opportunity to make a statement personally to the Court in mitigation of sentence and to present mitigating evidence to the Court.

If the Court accepts the agreed sentence, the defendant knowingly waives the right to contest the revocation of supervised release and the defendant's sentence in any appeal or post-conviction action. Claims of (1) ineffective assistance of counsel and (2) prosecutorial misconduct, and those claims only, are exempt from this waiver.

#### **AGREED SENTENCE**

Upon agreement of the parties as set forth above, it is hereby ORDERED that the previously imposed period of supervised release is REVOKED.

It is further ORDERED that the defendant, James Marcus George Jr., be and is hereby SENTENCED to a term of imprisonment of 6 months on Count 3 of the Original Judgment filed in the Western District of North Carolina on 6/26/2013. IF NOT ALREADY IN CUSTODY: Defendant shall surrender for service of this sentence as instructed by the Bureau of Prisons, until which time defendant remains on release subject to the terms and conditions previously imposed.

It is further ORDERED that the Court RECOMMENDS to the Bureau of Prisons that the defendant:

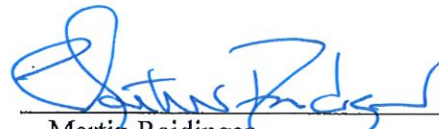
1. Participate in any available educational and vocational opportunities.
2. Participate in any available substance abuse treatment program opportunities.




It is further ORDERED that the defendant not be ORDERED to serve an additional term of supervised release.

It is further ORDERED that any restitution order, fine, and special assessment imposed in the original Judgment in a Criminal Case are hereby reimposed and are to be paid in full immediately.

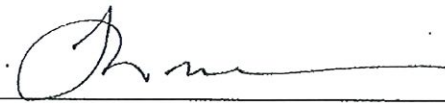
So ORDERED and ADJUDGED, this the 26 day of August, 2020.

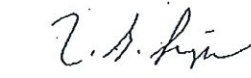
  
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Martin Reidinger  
Chief U.S. District Court Judge


APPROVED

  
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James Marcus George Jr.  
Defendant

  
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Attorney for Defendant  
Margaret Paige Teich

  
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Assistant United States Attorney  
Thomas Michael Kent

  
\_\_\_\_\_  
Eric G. Simpson  
Supervisory U.S. Probation Officer

  
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Jeffrey Tomaszewski  
U.S. Probation Officer